

U. S. Department of Justice  
950 Pennsylvania Avenue, NW  
Criminal Division  
Computer Crime and Intellectual Property  
Section  
John C. Keeney Building, Suite 600  
Washington, DC 20530-0001

March 3, 2005

By Electronic Mail

Ms. Marlene H. Dortch  
Federal Communications Commission  
445 12th Street, S.W.  
Room TW-B204  
Washington, D.C. 20554

**Re:   Withdrawal of *Petition to Defer in the Matter of Pac-West Telecomm, Inc., Transferor, and U.S. TelePacific Corp., Transferee, Application for authority pursuant to Section 214 of the Communications Act of 1934, as amended, for the transfer of assets of an authorized U.S. international and domestic common carrier, Docket No. WC 05-21.***

Dear Ms. Dortch:

Transmitted herewith by the United States Department of Justice ("DOJ"), including the Federal Bureau of Investigation ("FBI"), on behalf of itself and the Department of Homeland Security ("DHS"), is an original electronic copy of a Withdrawal of Petition to Defer in the above-referenced matter.

Sincerely,

/S/ MICHAEL J. STAWASZ

Michael J. Stawasz  
Trial Attorney

Attachment

Before the  
**Federal Communications Commission**  
Washington, DC 20554

In the Matter of

Pac-West Telecomm, Inc.  
Transferor

and

U.S. TelePacific Corp.  
Transferee

Application for authority pursuant to Section  
214 of the Communications Act of 1934, as  
amended, for the transfer of assets of an  
authorized U.S. international and domestic  
common carrier

Docket No. WC 05-21

**WITHDRAWAL OF PETITION TO DEFER**

On February 18, 2005, the United States Department of Justice (“DOJ”), including the Federal Bureau of Investigation (“FBI”), and the Department of Homeland Security (“DHS”) (collectively the “Agencies”), with the consent of Pac-West Telecomm, Inc. and U.S. TelePacific Corp. (together the “Applicants”), respectfully requested that the Federal Communications Commission (“Commission”) defer grant of the above-captioned Application until the Agencies notified the Commission that they have completed their evaluation of potential national security, law enforcement, and public safety issues. The Agencies have now completed their evaluation and have entered into arrangements with U.S. TelePacific Corp. in order to address such concerns.

Based on the information provided to the Agencies by the Applicants, the Agencies' assessment of existing technology, and in reliance on the commitments made by U.S. TelePacific Corp. to the Agencies, the Agencies hereby notify the Commission that they have no comment on the Application.

Respectfully submitted,

/S/ LAURA H. PARSKY

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/S/ TINA W. GABBRIELLI

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Dated: March 3, 2005

## Certificate of Service

I, Michael J. Stawasz, hereby certify that on this 3rd day of March, 2005, I caused a true and correct copy of the **Withdrawal of Petition to Defer**, to be served upon the following parties via Electronic Mail:

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